

AO 91 (Rev. 11/11) Criminal Complaint

FILED

JAN 06 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Case No. EP: 23-m-00044-ATB

Steven M. Driscoll

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/01/2023-01/04/2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC 922(g)(1)

FELON IN POSSESSION OF A FIREARM

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

George Torres Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: 01/05/2023*Judge's signature*City and state: El Paso, Texas

Anne T. Berton, U.S. Magistrate Judge

*Printed name and title*Complaint sworn to telephonically on
January 05, 2023 at 09:07 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent (“SA”) George Luis Torres, hereinafter “Affiant,” being duly sworn do hereby depose and state:

1. Affiant is a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice and conduct investigations of violations of Federal Criminal Law.
2. I make this affidavit in support of an application for a criminal complaint under Federal Rule of Criminal Procedure Rule 4.
3. The information contained herein is based on the Affiant’s own investigation, experience, and background as a Special Agent as well as information supplied by other law enforcement officers. Affiant has not included all facts known concerning this matter, but only facts necessary to set forth probable cause.
4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code (U.S.C.), Section 922(g)(1) – Possession of a Firearm by a Convicted Felon have been committed and will be committed by **STEVEN M. DRISCOLL**.

PROBABLE CAUSE STATEMENT

1. On approximately January 1, 2023 the FBI received an information from the El Paso Police Department (EPPD) concerning **STEVEN M. DRISCOLL (DRISCOLL)** and an incident in downtown El Paso, Texas, located in the Western District of Texas.
2. According to information provided to the EPPD, on or about January 1, 2023, an unknown male individual pointed what appeared to be a handgun in the direction of migrants in the vicinity of a warming station in downtown El Paso, Texas. Further, the same unknown individual was heard making a comment that “he was doing it for America” and then he departed the area in a vehicle.
3. EPPD subsequently attempted to conduct a traffic stop of the vehicle identified by a witness as the vehicle driven by the unknown individual who allegedly pointed a weapon at the migrants. The unknown individual exited the vehicle, a Chevrolet Silverado pickup truck bearing New Mexico license plates, but then the individual re-entered the vehicle and evaded law enforcement. EPPD later identified the unknown individual as **STEVEN M. DRISCOLL**.
4. Subsequent investigative activity by EPPD identified **DRISCOLL**’s relative as the registered owner of the vehicle. Based on investigative activity, EPPD obtained an arrest warrant for **DRISCOLL**’s relative. However, when EPPD arrived at a residence to arrest the relative, **DRISCOLL** exited the residence and stated that he knew why EPPD was there and that his uncle gave him the truck for work.

5. EPPD then observed, in plain view, what appeared to be a rifle in the above-mentioned vehicle parked in front of the residence on the street.
6. **DRISCOLL** told EPPD the vehicle belonged to him as well as the rifle.
7. On January 2, 2023, **DRISCOLL** self-reported to the EPPD and provided a voluntary statement to EPPD after he waived his Miranda rights and agreed to speak to law enforcement without an attorney. During the interview, **DRISCOLL** admitted to being in possession of a rifle on January 1, 2023. **DRISCOLL** admitted that he was aware he was not supposed to be in possession of a firearm due to his prior felony conviction. **DRISCOLL** stated that he evaded law enforcement on the above-mentioned occasion because he had a rifle in his vehicle.
8. EPPD then seized the vehicle and transported the vehicle to the City of El Paso Municipal Vehicle Storage Facility located at 11615 Railroad Drive in El Paso, TX.
9. On January 4, 2023, **DRISCOLL** self-surrendered to EPPD and was arrested by the EPPD at the EPPD Pebble Hills Regional Command Center on charges related to the January 1, 2023 incident downtown.
10. Subsequently on January 4, 2023, EPPD interviewed **DRISCOLL** after he waived his Miranda rights and agreed to speak to law enforcement without an attorney. During the interview, **DRISCOLL** admitted to being in possession of a rifle and a suppressor on January 1, 2023. **DRISCOLL** stated he bought the rifle at a gun show. **DRISCOLL** admitted that he was aware he was not supposed to be in possession of a firearm due to his prior felony conviction. **DRISCOLL** stated that he evaded law enforcement on the above-mentioned occasion because he had a rifle in his vehicle.
11. On January 4, 2023, Affiant reviewed **DRISCOLL**'s Judgement of Convictions (Case number: 20180D02219 (Aggravated Assault with a Deadly Weapon Texas Penal Code 22.02(a)(2)) and Case number: 2016D00431 (Assault Fam/House Mem Impeded Breath/Circulation Texas Penal Code 22.01(b)(2)(B)). On June 7, 2018, **DRISCOLL** pled guilty to a 2nd degree felony and was sentenced to three years confinement to the Texas Department of Criminal Justice and the sentence would run concurrent with 2016D00431.
12. On January 5, 2023, FBI executed a federal search warrant (EP:23-M-0030-ATB) on the above-mentioned vehicle located at the City of El Paso Municipal Vehicle Storage Facility.
13. During the execution of the federal search warrant (EP:23-M-0030-ATB), FBI Agents located a Savage Model 64 rifle (caliber .22) bearing serial number: 2413317, in the rear passenger compartment of the vehicle.
14. On January 5, 2023, investigation revealed that Savage Arms Inc. firearms are manufactured in a facility in Ontario, Canada, which indicates that the firearm moved in interstate and foreign commerce.
15. During the search the following items were also located in the passenger compartment of the vehicle: 12 x 9mm casings; 1 casing of unknown caliber; 3 x 9mm bullets; 4 unmarked bullets; and 1 orange in color FRAM oil filter.
16. Based on the above information, there is probable cause to believe that on or about January 1, 2023 and continuing through and including January 4, 2023, in the Western District of Texas, **STEVEN M. DRISCOLL** did commit Felon in Possession of a Firearm and had been convicted in any court of a crime punishable by imprisonment

for a term exceeding one year in violation of Title 18, United States Code (U.S.C.), Section 922(g)(1).